

August 11, 2004



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To: Interim HIV Content Guidelines Comments
School-Based Assistance Programs
Centers for Disease Control and Prevention
1600 Clifton Road, NE, Mailstop E56
Atlanta, GA 30333

On behalf of the National School Boards Association (NSBA), I am submitting these comments and suggestions in support of making significant changes to the Interim HIV Content Guidelines – School-Based Programs, which were published in the *Federal Register* on June 16, 2004. These comments and suggestions are based on NSBA's 17-year history as a recipient of CDC funds to provide HIV prevention services for school policymakers and on our position as a national non-governmental organization. They are, in our view, consistent with the intent of Congress to ensure that materials for HIV prevention are appropriate for their intended audiences.

First, we applaud CDC in recognizing the need to distinguish separate guidelines for school-based assistance programs from those applying to other programs. Specific guidelines for each will reduce confusion and misinterpretation. Nevertheless, the Guidelines as published for comment require further clarification if they are to apply to national or regional organizations that do not work directly with students. It is important to recognize that organizations like NSBA are funded to provide education and services to their constituents and to support the work of state and local education agencies. As indicated below, our first recommendation is to create a separate section for national and regional organizations and we believe the greatest clarity will be achieved if the subsequent recommendations are made in that section:

1. Create a separate section addressing "Principles" and "Program Review Panel" that applies to national or regional (multi-state) organizations

As written, the Guidelines primarily apply to state and local education agencies and are not well suited to the different circumstances of national or regional organizations that do not provide direct programming to students. The current version reflects an attempt to make a single set of guidelines fit different types of organizations, which can lead to misunderstanding and misinterpretation.

As currently drafted, specific guidance for national or regional entities does not appear until Section II.D. Part D appears to be an afterthought to address special needs of national or regional organizations since it appears in the section addressing Program Review Panels but also addresses items in Section I: Basic Principles. In identifying which of the preceding sections applies to national and regional organizations, Section II.D only serves to confuse. It is problematic to read through the entire Guidelines and then have to backtrack to identify what does and does not apply to national or regional organizations. We recommend, then, that the Guidelines contain a separate section for national and regional organizations modeled after the current guidelines for school-based assistance programs but with the specific

changes and clarifications noted below.

2. Overall: Reflect the context of the work for which national or regional organizations receive funding:

- a. It is fitting that Program Review Panels review the appropriateness of HIV/STD instructional materials designed for use with students. However, most national and regional organizations receive funding to provide education and services to their members and constituents and support the work of state and local education agencies; they seldom develop instructional materials or provide instruction or services to students. Any instructional materials developed by these national or regional organizations that are determined to be appropriate for classroom use by a funded state or local education agency would undergo review by that entity's Program Review Panel.
- b. The term "jurisdiction," usually defined as a geographic or political designation, does not apply to national or regional organizations. It would be more appropriate to refer to national and regional organizations' constituents, members or target audiences. If the term jurisdiction must be used, a definition that is appropriate to national and regional organizations should be provided

3. In the "Summary and Explanation of Guidelines for School-Based Assistance Programs" section, clarify:

- a. (1) Web site requirements. As written, the requirement for PRP review of an organization's Web site could refer to an organization's total Web site rather than only to those portions that are supported by federal funding for school-based assistance programs. The scope of the required PRP review of an organization's Web site needs to allow an organization to update the supported section(s) of its site regularly without the need to reconvene the PRP each time. National and regional organizations' Web sites commonly include ever-changing information such as timely news stories, abstracts of materials entered into databases, and links to related resources and information. At NSBA, the School Health Resource Database, much of which can be searched on line, contains sample policies, articles, and similar background information that would guide policy and practice development by school officials. Neither the abstracts of Database items, which can be viewed online, nor the items themselves, which are housed in drawers, are explicit. To require PRP review of each item (currently more than 3,000) in the Database, would be time consuming, costly and of no value in the end.

Our recommendation is that an organization's PRP approve internal criteria for additions, updates, or other changes to the supported sections of an organization's Web site that are in keeping with the intent of the Guidelines and the scope of work approved by the federal funding agency.

- b. (3) and (4) the term jurisdiction, (see discussion above.)
- c. (6) accountable officials. Who would be an "accountable State, territorial or local education official" for a national or regional organization? The intent of the current Guidelines is that review responsibility rests at the State and local level, but for a national or regional organization, that is inappropriate. It would be appropriate that the

accountable authority rest with a PRP convened by the organization, as authorized by the Executive Director or CEO. The current form used to identify our PRP to CDC already requires the CEO's or designee's signature.

4. Section I – Principles: Revise guidance for application to national and regional organizations, with special attention to:

- a. I.B.b-Contents of Programs: Our HIV prevention work is focused on providing guidance intended to build the capacity of school board members and state associations of school boards to support effective HIV prevention efforts. Materials that address program and policy planning and implementation rather than specific content about sexual or drug use behaviors should be exempt from the content review requirement. It seems clear that Congress intended the content review requirement to apply to HIV-related explicit instructional materials and services.
- b. I. E. Discussions of Condoms: Clarify that the legal language that "All programs of education and information receiving funds...shall include information about the harmful effects..." applies to HIV and STD instruction, materials and services provided to students. Without this clarification, any mention of condoms or STDs within such generic topics as school policy development or school health councils would require the inclusion of information about condom effectiveness that is not relevant to the topics.

5. "Section II – Program Review Panel": Revise for application to national and regional organizations, specifically addressing the following issues:

- a. Section B. Panel composition: Redefine the required representatives so they reflect the organization's constituency or target audience. The requirement that PRPs include representatives of teachers, school administrators, parents, and students is neither appropriate nor reflective of NSBA's and similar organizations' membership. We recommend that each national organization identify PRP members who are the key stakeholders affected by the organization's work, e.g., school board members, psychologists, etc. With regard to requiring national and regional organizations to have a state or local education agency representative and a state or local health department representative, we are concerned about the burden on such staff. Moreover, given the level of commitment required of state and local officials to serve on these panels, grantees should expect to receive assistance from CDC in identifying panel members who are willing and able to serve.
- b. Section B. Submitting names to CDC: The requirement to submit the names of review panel members to CDC upon awarding of funding appears to differ from current practice that requires the information as part of the application package. If this is the intent, then no change in language is needed.
- c. Section B, Part 2. Letter from SEA: It is unclear how the current wording applies to national and regional organizations. It would be more appropriate to have the CEO of the grantee sign a statement of acceptance of the Guidelines, which is implied already by application for and acceptance of funding.

- d. Section C, Part 3. Requirement for approval prior to expenditure of funds: If a grantee uses funds to purchase existing materials, then approval prior to expenditure of funds makes sense. If, however, funds support development of materials, then no responsible panel would approve materials not yet developed (and thus sight unseen).

For presentations at trainings or conferences that funds might support, this is also problematic. For instance, as currently written such "materials" as PowerPoint presentations and workshop content for non-students would need prior approval, making unacceptable any last minute changes that technology allows. PowerPoint and similar software facilitate customization and updating of presentations and workshops based on the needs of each unique audience plus the availability of new data and current research findings. The needs of a particular audience are often not known far enough in advance for the time-consuming PRP official review to take place. We believe this is another place where it would be most appropriate for a PRP to approve internal criteria that can guide revisions to approved materials (see comments on Web site, Comment 3b).

- e. Section C, Part 4. Certification: Who are the "accountable State, territorial, or local education agency officials" for a national or regional organization? Might the organization's executive director or CEO meet the intent? Or is it the intent that national organizations would turn to the U.S. Department of Education?" In addition, does this apply only to materials, etc. that address topics covered in Section 2500 and 317P of the PHS Act?
- f. Section D. National organizations: Please clarify whether "identify a single PRP..." means that each funded organization shall convene its own PRP, subject to the guidance as modified.

Again, NSBA commends CDC for developing these revised guidelines for school-based assistance programs. We encourage you to give careful consideration to the issues raised here and to the recommendations we have provided. I will be pleased to respond to any questions you might have about the intent and specifics of these recommendations. Please contact me (703-838-6756 or bgreene@nsba.org).

Very truly yours,

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